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## REMARKS

The Office Action mailed July 16, 2002 has been carefully reviewed and considered. In response, a proposed drawing correction is provided, the specification has been amended and claims 1-2, 7, and 9-13 have been amended and new claims 17 and 18 have been added. Claims 1-2, 7, and 9-13 having been amended, and new claims 17 and 18 having been added, the claims now pending in the present application are claims 1-18. Favorable consideration is respectfully requested.

On page 2 of the Office Action, the Examiner has requested a new oath, declaration or application data sheet which acknowledges the application number and filing date of the provisional application to which the present application claims priority. In response, a Supplemental Declaration and Power of Attorney is enclosed herewith and the original will be sent by U.S. mail with a confirmation copy of the present Response.

Also on page 2, the Examiner has objected to the drawings.

The drawings have been objected to for a variety of reasons set forth in the outstanding Office Action. A set of the original drawings is enclosed, including markings to indicate proposed changes to the drawings to address the objections raised by the Examiner. Also enclosed is a copy of the drawing pages as informally corrected. A discussion of specific objections raised by the Examiner with respect to the drawings follows below.

On page 2, paragraph 2, the Examiner has objected to inclusion of Reference Numbers 128 and 188, indicating that these Reference Numbers designate an aperture to receive the pawl 200 shown in FIG. 3. It is respectfully noted, however, that Reference Number 128 references an over-sized opening 128 in the inwardly extending flange 118 of the side rail 106, through which a release member 196 extends (see FIGS. 5 and 9 and the discussion in the specification from page 19, line 30, to page 20, line 2). The aperture 188 in the extension portion 174, through which the pawl, 200, extends, is a separate element of the embodiment shown in the drawings.

Also on page 2, in paragraph 2, the Examiner notes that Reference Numbers 50 and 56 are both used to designate a surface shown in FIGS. 3 and 10 and it is suggested that Reference Number 50 be changed to 56. The specification and drawings have been changed to clarify the elements referenced by FIGS. 50 and 56. In FIG. 3, reference Number 56 clearly references a

surface on the underside of the end plate 20. A reference has been added to the specification calling out Reference Number 56 in line 30 of page 11 and the Reference Number 56 has been added to FIG. 2 in the proposed corrected drawings and a Reference Number 50 on the underside of end plate 20 as shown in FIG. 10 has been changed in the proposed corrected drawings to 56 to accord with the prior reference to the underside of end plate 20 shown in FIG. 3. It is noted that the other use of Reference Number 50 in FIG. 10, calling out a pawl receiving area 50 of the end plate 20 finds support in the specification on page 13, line 11. A further reference to an upper surface 33 is added to the specification on page 11, line 30 and the Reference Number has been added to the proposed corrected drawings in FIG. 3 where the Reference Number 33 calls out an upper surface 33 of the end plate 20 which is shown in phantom. A further reference is added to the specification on page 11, line 30 to a trailing surface 34 which is shown in FIG. 3 and FIG. 7. The lead line for the trailing surface 34, shown in phantom in FIG. 3, has been amended to clearly indicate that the Reference Number 34 is calling out the trailing surface of the end plate 34 as shown in FIG. 7 and referenced in the amended portion of the specification discussed above.

In paragraph 3 on page 2 of the outstanding Office Action, objections to the drawings are made because certain Reference Numbers do not appear in the various FIGS. in the drawings. In subparagraph a of paragraph 3, reference is made to Reference Numbers 120, 172 and 174 in FIG. 3. These Reference Numbers have been added to the amended drawings. In subparagraph b of paragraph 3, reference is made to Reference Numbers 122 and 130 in FIG. 8. These Reference Numbers have been added in the amended drawings. In subparagraph c of paragraph 3, reference is made to Reference Number 520 in FIG. 15. This Reference Number has also been added in the amended drawings.

On page 3 of the outstanding Office Action, paragraph 4, the drawings are objected to because certain Reference Numbers are not mentioned in the description. In subparagraph a of paragraph 4, reference is made to Reference Number 22 in FIGS. 2 and 7. Reference Number 22 has been deleted in these FIGS. in the amended drawings.

In subparagraph b of paragraph 4, reference is made to Reference Number 56 in FIGS. 3 and 10. The drawings have been amended to add Reference Number 56 in FIG. 2, consistent

with its use in FIG. 3, and the Reference Number 50 in FIG. 10 has been changed to Reference Number 56 to correct an error made in the drawings referenced above and to be consistent with the use of the Reference Number in FIG. 3. In addition, a reference to an underside 56 of the end plate 20 has been added to the specification at the end of the second full paragraph on page 11 which begins at line 21. Support for each of these amendments is found in FIG. 3 where Reference Number 56 is used to call out an underside of the end plate 20.

In subparagraph c of paragraph 4, the drawings are objected to because Reference Number 234 is not referenced in the drawings. In response, the specification has been amended to add a reference to an opening 234 through which the grip element 236 passes and the drawings have been amended to include additional references to Reference Number 234 in FIGS. 3 and 8 where the opening is shown in phantom.

In subparagraph d of paragraph 4, the use of Reference Number 34 in FIG. 7 is objected to. In response, the specification has been amended at the end of the second full paragraph on page 11 which begins at line 21, to include a reference to a trailing surface 34 which is also referenced in FIG. 3.

In subparagraph e of paragraph 4, reference is drawn to Reference Numbers 114 and 116 in FIG. 8. Support for these Reference Numbers will be found in the specification on page 12, line 4.

In subparagraph f of paragraph 4, it is noted that there is no reference to Reference Numbers 430 in the specification. The specification has been amended on page 20, in the paragraph which begins on line 23, to include a reference to a side panel 430 which is shown in FIG. 11, as well as to a flexible cover 410 which is also shown in FIG. 11.

In subparagraph g of paragraph 4, it is noted that there is no reference to Reference Numbers 508, 536, 604, 630 and 664 in the specification; however, each of these Reference Numbers appear in FIGS. 13-15. In response, the specification has been amended to include references to each of these Reference Numbers. Support for the amendments to the specification is provided in FIGS. 1-10 which call out equivalent elements in the preferred embodiment disclosed in those FIGS. and also in the statement on page 22, lines 6-8 which, in reference to the alternate embodiment shown in FIGS. 13, 14 and 15, indicates that "The other features of this

alternate invention are similar to or the equivalent to those features of the preferred embodiment disclosed in FIGS. 1-10.” Furthermore, it is clear from a review of the description of the preferred embodiment that the elements referenced by the aforementioned Reference Numbers correspond with elements referenced by corresponding Reference Numbers used to reference related elements described in the specification; for instance, Reference Number 508 is intended to call out an alternate tonneau cover 508 which corresponds to the tonneau cover apparatus 8 described in the specification on page 5, line 27, page 6, line 1, page 9, line 12, page 9, line 24, page 10, line 8 and page 11, line 7. In addition, a further corresponding tonneau cover 408 is described on page 20, line 24, in reference to the alternate embodiment shown in FIGS. 11 and 12. In regard to Reference Number 604, it is noted that this Reference Number corresponds to the Reference Number 104 which references a support frame 104 in FIG. 2, which is further described in the specification at page 13, line 21, and page 19, line 19. The drawings have been amended to include further Reference Numbers to the support frame 104 in FIGS. 3, 5 and 8, which further disclosure is supported by the disclosure in FIG. 2 and the disclosure in the specification discussed above. It is also noted that Reference Number 536 is a channel which corresponds to the first channel 36 shown in FIGS. 3 and 7 and discussed in the specification at page 12, line 23 in reference to the preferred embodiment shown in FIGS. 1-10. Also, Reference Number 630 refers to a clamp 630 which corresponds to a clamp 130 shown in the drawings in FIGS. 3, 8 and 10 and referenced in the specification at page 10, line 9; page 17, line 18; page 17, line 24; page 18, line 24; page 18, line 28; and page 19, line 13. Finally, Reference Number 64 refers to a bolt 664 which corresponds to a bolt 164 described in the specification at page 18, lines 1, 2, 3 and 16 and called out in the specification in FIG. 8.

In order to provide appropriate reference to these Reference Numbers, further description which finds support in FIGS. 13-15 and the aforementioned description of the preferred embodiment, has been added to the specification on page 22 at the end of the carryover paragraph.

In subparagraph h of paragraph 4, the Examiner has noted that there is no reference to Reference Numbers 804 and 806 in the specification. The discussion in the specification relating to FIGS. 16 and 17 on page 22 has been amended, however, to provide a discussion of elements

of the embodiment shown in FIGS. 16-17, including a reference to a support frame 804 and a side rail 806. The specification is also amended in line 12 of page 22 to correct a typographical error. The corrected description indicates that the alternate embodiment in FIGS. 16 and 17 differs from the preferred embodiment disclosed in FIGS. 1-10 by providing an alternate locking member 760 which slides easily within a channel 738 similar to the second channel 38 of the preferred embodiment. By inference, it is clear that the alternate embodiment shown in FIGS. 16 and 17 is either similar to or the same as the embodiment shown in FIGS. 1-10 except for this difference. In this regard, it is further noted that the embodiment shown in FIGS. 1-10 includes a support frame 104 and a side rail 106 having corresponding Reference Numbers to Reference Numbers 804 and 806. These Reference Numbers appear in FIG. 2. The amendments to the specification in line 14 of the second paragraph on page 22 find support in FIGS. 16 and 17.

Referring now further to subparagraph i of paragraph 4, the Examiner has noted that Reference Numbers 910, 920, 968, 1004, 1006 and 1021 in FIGS. 17 and 18 are not described in the specification. It is noted, however, that additional description of the embodiment shown in FIG. 18 is provided by way of a further amendment to the specification at the end of the carryover paragraph on page 24. This further description finds support in the embodiment shown in FIG. 18 and the Reference Numbers used therein, as well as in the description of the prior embodiments. It is also noted that, in describing the embodiment shown in FIG. 18, it is stated at lines 3-7 of page 24 that "All the other features of this embodiment are preferably the same as the features of the alternate embodiment shown in FIGS. 16 and 17 and this embodiment operates generally in the same way with the exception of the operation of the compression spring 974 as compared to the tension spring 774." Therefore, the new description provided at the end of the carryover paragraph on page 24 is consistent with the description already provided in that corresponding elements of the alternate embodiment shown in FIG. 18 are either called out in FIGS. 16 and 17 or elsewhere in the specification in reference to other embodiments, such as the preferred embodiment shown in FIGS. 1-10.

In numbered paragraph 5 on page 3 of the outstanding Office Action, the drawings are objected to because of minor formalities which the Applicants propose to change in the proposed drawing correction submitted herewith. The Examiner notes that the lead line for Reference

Number 169 in FIG. 8 should have a pointed arrow to describe a group of parts and also notes that there are three Reference Numbers 226 in Figure 9. The suggested corrections are among the proposed corrections associated with the proposed drawing correction which is provided as requested in numbered paragraph 6 on page 3. In response to the request for proposed drawing corrections, FIG. 2 has been corrected to provide a Reference Number 56 and lead lines have been provided for Reference Numbers 50 and 106 which have arrows indicating an element having numerous parts. The arrow associated with the lead line for Reference Number 104 has also been changed so that the tip of the arrow no longer touches the side rail which is an element of the support frame. FIG. 5 has been amended to add Reference Number 104; FIG. 3 has been amended to add Reference Numbers 33, 104, 120, 172 and 174 and 234 and the lead lines for Reference Numbers 34 and 56 have been amended slightly to engage surfaces associated with the end plate 20 as shown in phantom, and an arrow has been added to the lead line for Reference Number 36 to indicate a channel 36. FIG. 7 has been amended to delete Reference Number 22; FIG. 8 has been amended to include new Reference Numbers 68, 104, 120, 122, 130 and 234 and to add an arrow at the end of the lead line for Reference Number 169. FIG. 9 has been amended to delete two references to Reference Number 226 and to modify the third. FIG. 10 has been amended to change one of the two references to Reference Number 50 which was in error and to change it to Reference Number 56 as is consistent with FIG. 3. FIG. 11 has been amended to add a lead line for Reference Number 408 and FIG. 15 has been amended to add Reference Number 520. Each of these changes has been discussed or referenced above.

On page 3, in numbered paragraph 7 of the Office Action, the Examiner has objected to a number of informalities in the specification. Amendments to the specification have been made to address each of the specific objections.

In numbered paragraph 8 of page 5 of the outstanding Office Action, claims 1-11 are objected to due to certain informalities identified by the Examiner. The Examiner has noted that appropriate correction is required and appropriate correction has been made.

In numbered paragraph 9 of page 6 of the outstanding Office Action, claims 2 and 13-15 are objected to as being of improper dependent form for failing to further limit the subject matter of the previous claim. Claims 2 and 13 have been amended to specifically recite that the receiving surfaces

are radial surfaces. It is respectfully submitted that this further limitation is a limitation not previously made in the independent claims from which claims 2 and 13, respectively, depend. Reconsideration and withdrawal of the objection is respectfully requested.

In numbered paragraph 10 of page 6, claims 7-11 are objected to because it is asserted that claim 7 is nearly identical to claim 1. It is respectfully submitted, however, that the limitation in claim 2, which is not recited in claim 1, is incorporated in claim 7, thereby making claim 7 different from claim 1 and therefore appropriate. Therefore, reconsideration and withdrawal of the objection is respectfully requested.

On page 6, claims 1-16 are objected to under 35 U.S.C. Section 112, second paragraph, as being indefinite. In particular, the Examiner notes that independent claims 1, 7 and 12 must be amended to clarify the invention. In this regard, the Applicants have amended the claims to address the concerns raised by the Examiner. Reconsideration of the amended claims is respectfully requested.

In numbered paragraph 15, original claims 1-3 and 7-8 stand rejected under 35 U.S.C. 102 as being anticipated by Weldy et al. (U.S. Patent No. 6,053,558). Independent claims 1 and 7 have now been amended to clarify the invention for which patent protection is being sought. These claims now recite a flexible cover and a support frame having first and second side rails; each of the side rails including an end plate engagement member; each of which is configured to engage a portion of an end plate, which is attached to the flexible cover. It is respectfully submitted that the tonneau cover apparatus disclosed by Weldy et al. does not anticipate the aforementioned claims, because the cited groove 16 disclosed by Weldy et al., which has been equated by the Examiner with the end plate engagement member, is part of an end piece and not a part of the side rail as recited in claims 1 and 7. It is respectfully submitted that the structure disclosed by Weldy et al. was created to address a substantially different problem than the one answered by providing end plate engagement members on each side rail to engage and secure an end plate. Therefore, insofar as the rejections may be maintained with respect to the amended claims, reconsideration and withdrawal is respectfully requested.

In view of the foregoing, it is respectfully submitted that the present claims are patentably distinct from Weldy et al. and the other references of record in the present application, whether taken



alone or in combination with one another. Reconsideration and allowance of the amended claims is respectfully requested.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached pages are captioned "Version with markings to show changes made."

The Examiner's statements regarding allowable subject matter are noted with appreciation. The Examiner's stated reasons for the indication of allowable subject matter, set forth in numbered paragraph 18 on page 8, are also noted with appreciation. The Examiner notes that the references made of record do not show or make obvious Applicants' pair of end plate engagement members having radial receiving surfaces.

In this regard, Applicants make a special note of the photocopy of a picture taken in September, 1999 of a tonneau cover product shown by Shur-Co., Inc. of Yankton, SD at the Big Iron Farm Show in Fargo, ND. This picture is among the references cited by the Examiner. It was submitted by the Applicants in a related application. Although the photocopy of this picture provides a poor image of the Shur-Co., Inc. tonneau cover product, it is believed that the Shur-Co. tonneau cover product, disclosed in part in the picture, has a pair of end plate engagement members having radial receiving surfaces, only one of which is shown in the picture. A further discussion of this device is provided below.

The references made of record and not relied upon by the Examiner were noted by the Examiner to be pertinent to the Applicants' disclosure. Each of the patent references: Schmeichel et al. (U.S. Patent No. 5,076,338); Schmeichel et al. (U.S. Patent No. 5,174,353); Wheatley (U.S. Patent No. 5,251,951); Rushford (U.S. Patent No. 5,553,652); Wheatley (U.S. Patent No. 5,758,922); Thomsen et al. (U.S. Patent No. 5,860,691); Ninness et al. (U.S. Patent No. 6,257,647 B1); and Huotari (U.S. Patent No. 6,234,561 B1) disclose tonneau cover devices, but it is respectfully submitted that none of these devices disclose a pair of end plate engagement members having radial receiving surfaces. Each of these references was cited by the Applicants, along with Weldy (U.S. Patent No. 6,053,558) in a related application.

Also cited by the Examiner is the following non-patent reference/document discussed above: Shur Co., Inc. picture of tonneau cover, September, 1999. As indicated above, this

reference/document was submitted by the Applicants in a related application. Also submitted by Applicants in the related application is a further document which is believed to be a drawing of a part of a tonneau cover product shown by Shur-Co., Inc. of Yankton, SD in September, 1999 at the Big Iron Farm Show in Fargo, ND. Applicants have resubmitted the drawing and note that the drawing is believed to be of the same tonneau cover product shown in the photocopy of the picture of the Shur-Co., Inc. tonneau cover shown in September, 1999. The Examiner's attention is particularly drawn to this device. Also enclosed herewith and listed in an accompanying Information Disclosure Statement are two owner's manuals from Shur-Co., Inc., which show devices which are believed to be similar to that shown in the picture and in the drawing, although the images shown in at least one case may be images of a slightly later embodiment.

To clarify, the picture cited by the Examiner is a picture taken, not by Shur-Co., Inc. or any of its employees, but taken by another, at present, unidentified person. The image in the picture is an image of the Shur-Co., Inc. tonneau cover device, which was shown in September, 1999 at the Big Iron Farm Show in Fargo, ND. A photocopy of this picture was submitted by the Applicants in a related application to make the Shur-Co., Inc. device a matter of record with respect to the related application. It is respectfully noted that it is Applicants' belief that this reference is of particular relevance to the present application. In this regard, it is also noted that the drawing referenced above and disclosed in an accompanying information disclosure statement, submitted herewith, is believed to be a drawing of the same device, the image of which is so poorly shown in the photocopy. Although the photocopy provides a poor image of the Shur-Co., Inc. device, the drawing provides a better image. The image in the drawing shows a single end plate engagement member having a pair of end plate engaging surfaces, which are believed to be at least partially radial. Applicants acknowledge that the Shur-Co. tonneau cover device has a pair of end plate engagement members of the type shown in the drawing and shown, however poorly, in the photocopy of the picture. The end plate is also shown in the drawing in a disengaged position. It is noted however, that the Shur-Co., Inc. product is believed to have an end plate having at least one radial surface which can engage with each of the respective end plate engagement members in a reciprocal manner, when the end plate pivots into and out of a fixed stretching position as recited in the claims. As such, it is believed that the claims read upon the Shur-Co., Inc. product.

If the Examiner asserts that the present claims are rejected over this reference, the Applicants reserve the right to swear behind any public knowledge or public use of the Shur-Co., Inc. tonneau cover products in a later showing indicating that the present invention was conceived and reduced to practice prior to any knowledge or any prior public disclosure or use of the Shur-Co., Inc. tonneau cover product. It is Applicants' belief that their conception and reduction to practice of the invention now claimed precedes the disclosure and use of the Shur-Co., Inc. product.

In addition to the drawing of the Shur-Co., Inc. tonneau cover product, a number of additional references are disclosed in an accompanying information disclosure statement. A fee, as required under 37 C.F.R. 1.17(p) is enclosed herewith. The Examiner is authorized to charge any additional fees due to the U.S. Patent and Trademark Office with respect to fees for disclosure of pertinent references. The Examiner is respectfully requested to consider each of the references disclosed in the information disclosure statement and to initial these references on the sheet provided for this purpose and return a copy to the Applicants. The Applicants' appreciation in this regard is noted.

As noted above, enclosed with the present Response is the information disclosure statement and a form 1449 for the above-identified application, along with copies of the cited references. The Examiner has extended a verbal request to the Applicants' attorney, in a telephonic interview related to a related application, to submit only new references over the references already cited by the Examiner. At least some of the references cited by the Examiner in the present application, as noted above, are references disclosed to the Examiner in a related application. It has been the Applicants' intention to disclose all of these references to the Examiner in the present application as well, but the Applicants respect the Examiner's wishes in this regard and are not submitting them. Since these references have been cited by the Examiner, it will be appreciated that there is no need for the Applicants to submit them, especially given the Examiner's request.

Consideration of each of the references listed on the enclosed form 1449 is respectfully requested. It is believed that the present claims are patentably distinct over any of the new references and any of the prior references, whether taken alone or in combination, when consideration is given to the early date of conception and reduction to practice of the claimed invention, which predate the September, 1999 disclosure of the Shur-Co., Inc. product.

The Examiner's indication that allowable subject matter is recited in claims 4-6, 9-11 and 12-16 is noted with appreciation. The undersigned attorney looks forward to reaching further agreement with the Examiner in regard to allowable subject matter and the allowance of the claims.

In view of the foregoing, it is believed that the application is now in condition for allowance, if the Applicants' assertion as to prior conception and reduction to practice are acceptable; notification to that effect is earnestly solicited.

Included in the accompanying Amendment Transmittal Letter is a Request For a Three-Month Extension Of Time. The Office Action was mailed July 16, 2002, and a Response is presently due October 16, 2002, the three-month extension of time extends the deadline for responding to the present Office Action within the allotted period of time to January 16, 2003. Therefore, the present Response is timely filed within the time allowed for Response to the outstanding Office Action with a three-month extension of time.

The Examiner is respectfully urged to contact the undersigned attorney if there are any further matters standing in the way of the allowance of the above-identified application and it is believed that these matters can be addressed in a telephone conference. The Examiner's consideration in this regard will be appreciated.

Respectfully submitted,

for the Applicants  
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CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.10)	
Express Mail Label No. <u>SV26634506445</u>	Date of Deposit: <u>January 15, 2003</u>
I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service "Express Mail" Service under 37 CFR 1.10, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231	
<u>Susan J. Anderson</u> Print Name of Person Mailing Correspondence	<u>Susan J. Anderson</u> [Signature]



*Version with Markings to Show Changes Made*

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**In the Specification**

The paragraph beginning at page 2, line 20, has been amended as follows:

Although the Schmeichel et al. patents teach a number of significant improvements over the prior art, there are several limitations of the prior art, which are addressed and improved upon by the present invention.

The paragraph beginning at page 3, line 14, has been amended as follows:

A limitation common to both the first and second embodiments of the Schmeichel et al. patents regards the attachment point and the design of the engagement member (or strike) which engages the end plate. As depicted in the drawings the strike is attached to the frame structure by a fastening element located a substantial distance from the inclined portion of the strike. This allows the strike to be flexed or bent upwardly in reaction to the stress forces exerted on the strike when the end plate is pivoted into and out of the fixed stretching position. Repeated flexure and/or bending may result in loosening and/or premature failure of the strike. Additionally, the strike includes a relatively thin lip portion which extends beyond the body of the strike and which rotatingly contacts the end plate as it is pivoted into and out of the fixed stretching position. This lip portion is subject to high amounts of stress and is subject to flexure and/or bending which may lead to premature failure.

The paragraph beginning at page 4, line 10, has been amended as follows:

The present invention relates to a tonneau cover apparatus for attaching and locking a flexible cover about a cargo box of a vehicle such as a pickup truck. The apparatus preferably includes a support frame, which is removably attached about the perimeter of the cargo box of the vehicle by at least one clamp. The flexible cover is attached ~~both~~ to the support frame and to an end plate. The end plate is configured to pivotally engage an end plate engagement member, ~~preferably two end plate engagement members~~, which is ~~are~~ attached to the support frame. As the end plate pivots about the end plate engagement member to a fixed stretching position, the flexible cover is suitably stretched or tensed. In preferred embodiments, the end plate is releasably retained in the fixed stretching position by a latching member which is attached to the support frame and/or by a locking member which is slidingly attached to the end plate and which

~~may be operatively connected to the end plate. A side bar securing clamp is also provided to secure the support frame to the pick up truck. The apparatus preferably includes, a support frame removably attached about the perimeter of a cargo box of the vehicle, an elongated end plate attached to an end of the flexible cover and an end plate engagement member attached to the support frame, preferably one on each side of the support frame. The end plate is preferably attached to an end of the flexible cover and is configured to cooperatively engage and pivot with respect to the end plate engagement member and into and out of a fixed stretching position wherein the flexible cover can be correspondingly be tensed and relaxed. The end plate engagement member preferably has a radial receiving surface and the end plate has a radial engaging surface, which slidably engages the radial receiving surface when the end plate pivots into and out of the fixed stretching position.~~

The paragraph beginning at page 7, line 4, has been amended as follows:

FIG. 8 is an enlarged fragmentary sectional view as seen generally along line 8 - 8 of FIG. 3 which shows a portion of the preferred apparatus as it is attached to an inner wall 14 of a ~~an inner~~ side wall 12 of a cargo box of a pickup truck and which illustrates in phantom lines the locking member as it moves into engagement with the side rail 106;

The paragraph beginning at page 7, line 26, has been amended as follows:

FIG. 12 is an enlarged fragmentary sectional view of the alternate embodiment of FIG. 11 which illustrates the alternate apparatus in a fixed stretching position in which the end plate 420 exerts a tensile force to a flexible cover 410 ~~40~~, and which illustrates in phantom lines the apparatus as it is unlatched and rotated out of the fixed stretching position in which the flexible cover is relatively relaxed;

The paragraph beginning at page 9, line 18, has been amended as follows:

Referring now to the drawings, and specifically FIGS. 1-10, there is illustrated a preferred embodiment of the present invention, wherein reference numeral 6 designates a vehicle, preferably a pickup truck, reference numeral 8 designates a preferred tonneau cover apparatus and reference numeral 10 designates the flexible cover. FIG. 1 illustrates a flexible cover 10 in use on a cargo box 11 of a pickup truck 6 having two outer sidewalls 12, each having

an inner sidewall 14 (shown in FIG. 8), a forward end 13 and a tailgate 16, preferably with a release handle and lock mechanism 18, actuated with a key (not shown) or, alternatively, a remotely actuated lock mechanism, having a remote keyless actuator (not shown), like those which are now well known in the art. As depicted, the flexible cover 10 is covering a top of a perimeter of the cargo box 11 of the pickup truck 6 8. The flexible cover 10 is secured to a front plate 19 and an end plate 20 each of which are secured to support frame 104 that includes rails 106 which are clamped to the respective sidewalls 12 of the pickup truck 6.

The paragraph beginning at page 10, line 16, has been amended as follows:

The preferred tonneau cover apparatus 8 is secured to the sidewalls 12 of the pickup truck 6 using clamps 130 (see FIGS. 3 and 8), which secure the respective side rails 106 to the inner wall 14, which is an extension of the sidewall 12. The front plate 19 is secured to the respective side rails 106 as described above and the end plate 20 is engaged to a pair of end plate engagement members 170 (see FIGS. 3 and 5). When the end plate 20 is engaged it will initially occupy a position with respect to the respective engagement members 170 similar to that shown in phantom in FIG. 3. The distal end 32 of the end plate 20 is then pushed downward and the peak or crest 26 of the end plate 20 ~~proximate end 20~~ will then pivot against the pivot point 176 of the respective engagement member 170 such that the foot 30 of the end plate 20 will push the pawl element 200 of the latch member 190 downward and out of its path, so that the end plate 20 can become fully engaged within the respective engagement members 170 and the foot 30 becomes fully engaged within the inclined portion 178 (see FIG. 5) of the engagement member 170, as shown in FIG. 3. In this position, the end plate 20 is in a closed or a fixed stretching position, where the end plate 20 preferably exerts a tensile force upon the flexible cover 10 so that the flexible cover 10 will stretch and remain taught over the cargo box 11.

The paragraph beginning at page 11, line 14, has been amended as follows:

When the end plate 20 is in the closed or fixed stretching position shown in FIG. 3, and it is desirable to open the tonneau cover apparatus 8 to gain access to the cargo box 11, the locking members 60 must be moved to a position where they are not engaged with the inwardly extending flange 118 of the support structure 104. The latch member 190 must then be depressed to a position consistent with that shown in phantom in FIG. 3 so that the pawl element

200 is disengaged from the foot 30 of the end plate 20 so that the foot can pivot out of the cavity proximate the inclined portion 178 of the engagement member 170 without being impeded by the pawl element 200. This can be accomplished either by pushing downward on the release member 196 or pulling downward on the grip element 236 with enough force to bend the latch member 190. In this way, the end plate 20 is freed to pivot out of the fully engaged relationship with the respective engagement members 170 and release the tension on the flexible cover and even roll the flexible cover up around the end plate in a manner similar to that ~~this~~ described in the previously described and incorporated Schmeichel patents.

The paragraph beginning at page 11, line 29, has been amended as follows:

As depicted in FIG. 2, the end plate 20 is disengaged from a pawl element 200 on a latching member 190 and a locking member 60 is disengaged from an inward extending flange 118 ~~a raised longitudinal portion 118~~ of a side rail 106 (shown in FIG. 8) prior to pivoting or rotating the end plate 20 about an end plate engagement member 170 and out of a fixed stretching position shown in FIG. 1. Although a generally rectangularly shaped end plate 20 is depicted in the drawings, it is understood that the end plate 20 may have other configurations without departing from the spirit and scope of the invention. Moreover, it is understood that only selected portions of the end plate 20 are necessary to normal operation and that unnecessary portions may be omitted, if desired. In preferred embodiments the end plate is made of an aluminum alloy material. Referring now also to FIG. 7, the end plate 20 has an underside 56, a base portion 24, an upper surface 33 and a trailing surface 34.

The paragraph beginning at page 12, line 28, has been amended as follows:

FIGS. 3 and 10 illustrate the apparatus as it pivots or rotates position into and out of a fixed stretching position and when in the fixed stretching position. As best seen in phantom lines, end plate 20 includes a distal end 32, which terminates in a first channel 36, which receives an end of the flexible cover 10. The end plate 20 also includes a second channel 38, which is sized to slidably receive a locking member 60. The second channel 38 is generally T-shaped and includes opposing sidewalls 40, 42 an upper wall 44 and opposing flanges 46, 48. The end plate or stretcher bar 20 also includes cavities 52, 54, which are sized to receive plugs 94, 96 that extend from an end plate cap 90. The plugs 94, 96 are provided with ribs 98, 100 which allow



the end plate cap 90 to be frictionally attached to the end plate 20. When the end plate 20 is rotated or pivoted into a fixed stretching position, a peak or crest 26 of the end plate 20 contacts a pivot point 176 of an end plate engagement member, or strike 170. A ridge 28 on the base portion 24 of the end plate 20 then sweeps across an upper surface ~~177~~ 182 of an extension portion 174 of the end plate engagement member 170. Referring now also to FIGS. 4-5 and 8-9, the ridge 28 then contacts and deflects the pawl element 200 of the engagement portion 194 of a latching member 190. That is to say, the latching member 190 is deflected from a first position where the end plate is prevented from being disengaged from the fixed stretching position to a second position, which permits the apparatus to be disengaged from the fixed stretching position. After the ridge 28 passes the pawl element 200, two things occur. First, the base portion 24 is moved into a base portion receiving area 180 in the end plate engagement member 170, and second, the latching member 190 moves from the second position to the first position wherein the pawl element 200 of the latching member 190 is biased into a pawl receiving area 50 of the end plate 20 where it confronts the a foot 30 on the end plate 20. The pawl element 200 may be disengaged from the foot 30 and withdrawn from the pawl receiving area 50 by placing downward pressure on the a release member 196 or pulling downward on the a grip element 236, which is engaged with the latching member 190 through an opening 234.

The paragraph beginning at page 13, line 24, has been amended as follows:

Turning more specifically to FIG. 4, the latching member 190 has a body portion 192, an engagement portion 194, a release member 196 and an attachment portion 198. The engagement portion ~~194~~ 198 includes a pawl element 200 having a ridge engagement surface 202 and a foot engagement surface 204. Adjacent the foot engagement surface 204 is a recess or relief 206 which accommodates a fastening element 186 used to attach the end plate engagement member or strike 170 to the support frame 104 (see FIG. 3). Note that the angle "A" between the foot engagement surface 204 and a top surface 207 of the recess 206 of the body portion 192 is ~~preferably~~ less than or equal to 90 degrees, ~~preferably less than 90 degrees and preferably around about~~ 88 degrees to prevent the end plate 20 from being forced out of the fixed stretching position when lifting force is applied upwardly upon the bottom of end plate 20 when it is in the fixed stretching position as shown in FIG. 3. The upper surface 212 of the latch member ~~190~~ 20 is generally parallel with the top surface 207 of the recess 206, so the angle "A" will be the same

as an angle (not shown) between the foot engagement surface 204 and the upper surface 212 of the latch member 190. The latching member 190 includes a release member 196, which is preferably an upright member 208 with an enlarged head 210. In operation, the release member 196 is manipulated by placing downward pressure on the enlarged head 210 of the release member 196 through the flexible cover 10 and is used to disengage the pawl element 200 from the foot 30 of the end plate 20. Referring now also to FIG. 9, an upwardly extending recess 214, having a throat portion 216, partially delineates or separates the attachment portion 198 from the body portion 192. The attachment portion 198 is connected to the body portion 192 by a thinned portion 218. The attachment portion 198 includes a slot 226, which receives a fastener 220 and a threaded aperture 228, which receives an adjustment member or element 230. The attachment portion 198 also includes a limiter or stop 232, which controls the range of motion of the latching member 190 as it moves from the first position to the second position. Note that the upper and lower surfaces 198a, 198b of the attachment portion 198, that are parallel to broken line 198c (shown schematically in FIG. 4), reside at an angle, B, with respect to upper and lower surfaces 192a, 192b of the body portion 192, respectively, when the latch member 190 is disengaged from the side rail 106. This angle "B" is preferably about 1 to about 7, ~~more preferably about 3 to about 5,~~ more preferably about 4 degrees and ensures that the upper surface 212 of the latching member 190 biasingly contacts an inwardly extending flange 118 on a side rail 106 when the latching member 190 is attached thereto as shown in FIGS. 3 and 5. The latching member 190 is preferably manufactured from a glass filled nylon resin material.

The paragraph beginning at page 15, line 17, has been amended as follows:

The bolt or fastening element 186 preferably has an axis "b" which passes through the center of the bolt 186. This axis "b" is preferably located a distance, " $d_1$ ", from the pivot point 176, ~~and denoted by line "a" in FIG. 3, which is 3/4ths of an inch in the most preferred embodiment shown in FIG. 3. In alternative embodiments, however, this distance, " $d_1$ ", will be equal to or less than 2.0 inches, more preferably 1.5 inches, even more preferably 1.0 inch. by a distance " $d_1$ " which is preferably equal to or less than 4 inches, more preferably 3 inches, even more preferably 2.5 inches, even more preferably 2.0 inches, even more preferably 1.5 inches, even more preferably 1.25 inches, more preferably 1.0 inch, and even more preferably seven-~~

~~eights of an inch.~~ In a more preferred embodiment, this distance will be about 13/16ths of an inch.

The paragraph beginning at page 16, line 23, has been amended as follows:

FIG. 7 illustrates a locking member 60 as it is being installed into a channel 38 of an end plate 20. As the locking member 60 is inserted into the channel 38, the friction-imparting element 74 is compressed and comes into sliding contact with the upper surface 44 of the channel 38 (see FIG. 3). At the same time, the guide strips 80, 82 are engaged by sidewalls 40, 42 ~~42, 40~~ of channel 38 (see also FIG. 3). The sidewalls 40, 42 ~~42, 40~~, being constructed of relatively harder material, modify the opposite guide strips as the locking member is inserted into the channel 38. As depicted a portion 83 of the opposite guide strips are planed away or shaved during assembly. Thus, the width of the upper portion 62 and attendant guide strips 80, 82 is then sized to friction fit within the width of the channel 38. In especially cold weather, the resin material of the preferred locking member 60 and the aluminum alloy of the preferred end plate both contract, but the locking member 60 will contract somewhat more than the end plate 20. In especially hot weather, both the preferred locking member 60, made of resin material, and the preferred end plate 20, made of aluminum alloy, will expand, but it is believed that the expansion of the aluminum alloy will be greater. In each case, therefore, in both especially cold temperatures and in especially hot temperatures, the preferred locking member 60 and the preferred end plate 20 will contract or expand at different rates and this will cause some looseness of the sliding locking member 60 within the end plate 20. The use of the friction-imparting element 74 is intended to compensate for this variation and to prevent the locking member 60 from sliding into a locked position when it has been placed, and is intended to remain in, an open position.

The paragraph beginning at page 17, line 14, has been amended as follows:

In the preferred embodiment, the friction imparting element 74 and the guide strips 80, 82, are all in sliding contact with the walls 40, 42, 44 ~~44, 42, 40~~, respectively, while the remaining surfaces of the upper portion 66 are in sliding contact with flanges 46, 48 of the second channel 38. These sliding contacts combine to provide a relatively constant resistive force over a wide range of temperatures as the locking element is manipulated along the channel. While the preferred embodiment features one friction imparting element and a plurality of guide

strips elements, it is understood that other combinations may be used. As with the aforementioned latching member and end plate engagement member, the locking member 60 is preferably manufactured from a glass filled nylon resin material.

The paragraph beginning at page 17, line 24, has been amended as follows:

FIG. 8 illustrates a portion of the apparatus attached to an inner sidewall 14 of the pickup truck. More specifically, a side rail 106 of the support frame is attached to the inner sidewall 14 preferably by a plurality of clamps 130. The clamp 130 has a first arm 132 and a second arm 150. As illustrated, the first arm 132 and the second arm 150 engage each other at contact surfaces 139 and 157, respectively. The contact surfaces 139 and 157 serve several different functions. First, the contact surfaces 139 and 157 provide a point about which the arms 132 and 150 may pivot with respect to each other. And second, the contact surfaces 139 and 157 serve to align and guide the arms 132 and 150 so that they are brought into confronting relation with each other when the clamp 130 is tightened. The first arm 132 includes a proximal end 134, a transition portion 136 and a distal end 138. The proximal end 134 includes the a contact surface 139 having a recess 140, which is configured to receive and rotatably support a pivot or projection 158 on the second arm 150. The preferred configuration of the recess 140 is generally oriented orthogonally to the longitudinal axis of the arm 132. The proximal end 134 also includes a transversely aligned cavity 144, which is coaxially aligned with an aperture 166 in a nut 167. The cavity 144 is sized to securely retain the nut 167 of a fastening element 169, which includes nut 167 and bolt 164. The cavity 144 is sized to loosely receive the shaft of a bolt 164 of the fastening element 169. Although the aperture 166 is sized to fit the bolt 164, the cavity is much larger which allows the clamp to fall open easily at the end nearest the distal end 138 and distal non-parallel side joint between two surfaces similar to that shown in FIG. 8. The distal end 138 of the first arm 132 includes a sidewall-contacting portion 146 148, which is preferably provided with a grip element 148. The grip element 148 has an irregular shaped surface and may be suitably affixed to the sidewall-contacting portion 146. The preferred grip element 148 has an irregular surface similar to course sandpaper and the preferred method of affixing is by using an adhesive. The second arm 150 includes a proximal end 152, a transition portion 154 and a distal end 156. As mentioned above, the proximal end includes a contact surface 157 having a pivot or projection 158, which is configured to be rotatably supported within a recess 140 in the

proximal end 134 of the first arm 132. As with the recess 140, the preferred configuration of the projection is generally oriented orthogonally to the longitudinal axis of the arm 150. The proximal end 152 of the second arm also includes a transversely aligned cavity 145, which is sized to loosely receive the shaft of a bolt 164 of the fastening element 169. The distal end 156 includes a side rail-contacting portion 162. As depicted, the side rail ~~sidewall~~-contacting portion 162 is configured to mesh with a similarly configured surface on a vertical attachment portion 108 of a side rail 106. Since the oversized cavities 144, 145 of the respective first and second arms 132, 150 allow the respective arms to pivot within the joint created by the insertion of the pivot 158 into the pivot receiving recess 140, the respective side rail and sidewall contact portions 146, 162, respectively, can pass through a range of non-parallel orientations with respect to one another especially enabling the clamp 130 to forcibly hold ~~held~~ together a pair of relatively flat objects whose opposite surfaces when joined together present non parallel surfaces.

The paragraph beginning at page 19, line 4, has been amended as follows:

In operation, to secure a side rail 106 to an inner wall 14 of a truck, a side rail 106 is brought into contact with an inner sidewall 14 of a truck 6. A clamp 130 is then positioned so that it straddles the inner sidewall 14 and the side rail 106. With the recess 140 and the projection 158 of the respective contact surfaces 139 and 157 in communication with each other, the fastening element is then snugged up so that the distal ends 138 and 156 contact the sidewall 14 and side rail 106, respectively. The fastening element is then manipulated to gradually increase the clamping force. As the force is increased several things occur. First, the arms 132 and 150 are aligned and guided by the cooperative interaction of the contact surfaces 139 and 157. Second, limiter surfaces 142 and 160 on the first and second arms 132, 150, respectively, converge towards each other, and third, the arms 132, 150 flex slightly, at the transition portions 136, 154, respectively, where they have some give due to the materials used to make them and the design of respective first and second arms 132, 150 which include the narrower transition portions 136, 154, respectively. When the limiter surfaces 142 and 160 contact each other, attachment of the side rail 106 to an inner sidewall 14 is essentially completed. This is because the clamp may not be easily over tightened. With this preferred embodiment, not only is the possibility of overtightening substantially reduced, but the clamp 130 provides a relatively

constant clamping force, which compensates for differences in thickness of the material to be clamped together and also differences in attachment points.

The paragraph beginning at page 19, line 25, has been amended as follows:

FIG. 8 also illustrates the operation of the locking member 60 as it may be manipulated between a first position (shown in phantom lines) where it operatively connects an end plate 20 to a side rail 106 of a support frame 104 (shown in phantom lines) and a second position where the locking member 60 is disengaged from the side rail 106 of the support frame 104. Note in the first position, that engagement surface 70 of the finger portion 68 engages the lower surface 122 of the side rail flange 118.

The paragraph beginning at page 21, line 1, has been amended as follows:

Referring now also to FIGS. 11 and 12, a further embodiment of the tonneau cover apparatus 408 is depicted. A flexible cover 410 is shown attached to an end plate 420 having a side panel 430. This embodiment differs from the preferred embodiment in that the an end plate 420 is provided with generally radially shaped base portion 422 and the end plate engagement member 440 is provided with a reciprocally ~~similarly~~ shaped base portion receiving area 442 so that the base portion 422 can slidably pivot within the base portion receiving area 442 when fully engaged therewith as shown in FIG. 11, such that the end plate 420 can be ~~where the end plate 420 has been~~ lifted away from the fixed stretching position, shown in FIG. 12, and the base portion 422 has pivoted within the receiving area 442, slightly away from the fixed, stretching position. As shown in phantom in FIG. 12, when the base portion 422 is pivoted further, it will come away from the base portion receiving area 442, but not before it has slidingly pivoted somewhat within the receiving area 442.

The paragraph beginning at page 22, line 5, has been amended as follows:

The alternate embodiment shown in FIGS. 13, 14 and 15 also includes a locking member 560 that engages an inward extending flange 618 of a side rail 606 in a manner similar to that disclosed in the preferred embodiment, except that the locking member 560 is configured differently and the finger portion 568 is configured somewhat differently. In addition the locking member 560 is secured within a channel 538 by securing a bolt 539 to the locking member 560 with a nut 541. The bolt 539 slides easily within the channel 538 to engage the inwardly extending flange 618 of the side rail 606. In preferred embodiments, the end plate 520 will have a pair of radial base portions 522 proximate the respective ends of the end plate 520

which are configured to reciprocally engage a pair of engagement members 670 secured to each of a pair of side rails 606 attached to respective sidewalls (not shown) of the pickup truck 506. The other features of this alternate inventions are similar to or the equivalent to those features of the preferred embodiment disclosed in FIGS. 1-10. The further alternate embodiment of the invention includes a tonneau cover apparatus 508 having a support frame 604, which can be secured to a side wall (not shown) of a pick-up truck (not shown) using a clamp 630 secured at least in part with a bolt 664. A flexible cover 510 is shown, which is secured to the end plate 520 within a channel 536, shown in FIG. 13.

The paragraph beginning at page 22, line 19, has been amended as follows:

Referring now also to FIGS. 16 and 17, yet another alternate embodiment of the present invention is disclosed in which the alternate embodiment differs from the preferred embodiment disclosed in FIGS. 1-10, ~~by but~~ providing an alternate locking member 760 which slides easily within a channel 738 similar to the second channel 38 of the preferred embodiment. The alternate embodiment includes a support frame 804 and a side rail 806 like those associated with the previously disclosed embodiment shown in FIGS. 1-10. In the alternate embodiment shown in FIGS. 16 and 17, the locking member 760 does not include the friction imparting elements or guide strips of the preferred embodiment. Instead, the alternate end plate 720 includes a tension spring 774 secured at each end of the elongated end plate 720 to bias each of two locking members toward a position consistent with a closed or locked position similar to that shown in FIG. 17. The tension springs 774 are secured to the respective interior surfaces (not shown) of respective end caps 790 at each of the ends 793 of the alternate end plate 720 and to the respective locking members 760, thereby biasing each of the locking members 760 toward a pair of stop bolts 819 secured to the end plate 720 proximate each of the respective ends 793 of the end plate 720. A draw cord or cable 765 is also attached to each of the respective locking members. Each of the respective draw cords are preferably passed through an eyebolt guide 767 and gathered together in a guide actuator 769.

The paragraph beginning at page 24, line 5, has been amended as follows:

Yet another alternate embodiment is shown in FIG. 18 where an embodiment like that shown in FIGS. 16 and 17 is shown, but which differs primarily only because the tension springs 774 of the embodiment shown in FIGS. 16 and 17 are replaced by compression springs 974

which push ~~pushes~~, rather than pull ~~pulls~~ the locking member 960 or members, if there are more than one, which there preferably are, against the flange 1018 and/or the stop bolt 1019. In this case, the compression spring 974 slides over and is engaged by a first spring guide protrusion 977 extending away from the locking member 960 and a second spring guide protrusion 979 extending away from a spring stop 983. All the other features of this embodiment are preferably the same as the features of the alternate embodiment shown in FIGS. 16 and 17 and this embodiment operates generally in the same way with the exception of the operation of the compression spring 974 as compared to the tension spring 774. The embodiment shown in FIG. 18 includes a support frame 1004 having a side rail 1008. The end plate 920 is shown in an engaged position. The flexible cover 910 is engaged with the support frame 1004 and the finger 968 of the locking member 960, configured to slidably engage an outwardly extending flange 1018 of the support frame 1004, is shown in an engage position, similar to that shown in FIG. 17 with respect to the prior embodiment, wherein the finger 968 can be slidably positioned under an end 1021 of the outwardly extending flange 1018, as shown.



## In the Claims

Claim 1 has been amended as follows:

1. (Amended) A tonneau cover apparatus for removable attachment ~~removably attaching a flexible cover~~ about a perimeter of a cargo box and tailgate of a pickup truck, the tonneau cover apparatus comprising:

a flexible cover;

an end plate;

a support frame for attachment to the cargo box; the support frame having first and second side rails forming opposite sides of the support frame, each of said first and second side rails including an end plate engagement member, each end plate engagement member being configured to engage and receive similar, but spaced apart, portions of the end plate, wherein the end plate is attached to an end of the flexible cover and the end plate is configured to cooperatively engage and pivot with respect to each end plate engagement member as the end plate passes into and out of a fixed stretching position, wherein the flexible cover is tensed when the end plate passes into the fixed stretching position; the end plate having a radial engaging surface and each of the end plate engagement members having a receiving surface that engages at least a portion of the radial engaging surface when the end plate pivots into the fixed stretching position.

~~—— a support frame, the support frame removably attached about the cargo box of the pickup truck;~~

~~—— an end plate engagement member, the end plate engagement member being attached to the support frame, the end plate engagement member configured to engage and receive a portion of the end plate as the end plate is translated and pivoted into and out of a fixed stretching position in which a tension is placed upon the flexible cover;~~

~~—— an end plate, the end plate being attached to an end of a flexible cover, the end plate configured to cooperatively engage and pivot with respect to the end plate engagement member~~

~~and into and out of the fixed stretching position wherein the flexible cover can be correspondingly be tensed and relaxed; the end plate having a radial engaging surface and the end plate engagement member having a receiving surface which engages the radial engaging surface when the end plate pivots into the fixed stretching position.~~

Claim 2 has been amended as follows:

2.     (Amended) The tonneau cover apparatus of claim 1, wherein the receiving surfaces are radial surfaces.~~—end plate engagement member has a radial receiving surface which engages the radial engaging surface when the end plate pivots into the fixed stretching position~~

Claim 7 has been amended as follows:

7.     (Amended) A tonneau cover apparatus for removable attachment ~~removably attaching a flexible cover~~ about a top of a perimeter of a cargo box and tailgate of a pickup truck, the tonneau cover apparatus comprising:

a flexible cover;

an end plate;

a support frame for attachment to the cargo box; the support frame having first and second side rails forming opposite sides of the support frame, each of said first and second side rails including an end plate engagement member, each end plate engagement member being configured to engage and receive similar, but spaced apart, portions of the end plate, wherein the end plate is attached to an end of the flexible cover and the end plate is configured to cooperatively engage and pivot with respect to each end plate engagement member as the end plate passes into and out of a fixed stretching position, wherein the flexible cover is tensed when the end plate passes into the fixed stretching position; the end plate having a radial engaging surface and each of the end plate engagement members having a radial receiving surface that engages at least a portion of the radial engaging surface when the end plate pivots into the fixed stretching position.

~~——a support frame, the support frame removably attached about the cargo box of the pickup truck;~~

~~an end plate engagement member, the end plate engagement member being attached to the support frame, the end plate engagement member configured to engage and receive a portion of the end plate as the end plate is translated and pivoted into and out of a fixed stretching position in which a tension is placed upon the flexible cover;~~

~~an end plate, the end plate being attached to an end of a flexible cover, the end plate configured to cooperatively engage and pivot with respect to the end plate engagement member and into and out of the fixed stretching position wherein the flexible cover can be correspondingly be tensed and relaxed; the end plate engagement member having a radial receiving surface and the end plate having a radial engaging surface which engages the radial receiving surface when the end plate pivots into the fixed stretching position~~

Claim 9 has been amended as follows:

9. (Amended) The tonneau cover apparatus of claim 8 7, wherein the perimeter of the cargo box includes a forward end and two opposing sidewalls; the support frame includes two opposing side rails, one of which is secured to each of the respective opposing side walls; the tonneau cover apparatus further including a second end plate engagement member; each of the end plate engagement members being attached to one of the two side rails attached to the two opposing side walls; wherein the side rails each have an inwardly extending flange portion and the locking member includes a finger portion, the finger portion of the locking member being positioned below the respective inwardly extending flange portion when the locking member is in the first position such that the end plate cannot be disengaged from the end plate engagement member, because the finger portion is restrained by the inwardly extending flange, the finger portion of the locking member being removed from the inwardly extending flange portion when the locking member is moved from the first position to the second position such that the end plate can be disengaged from the end plate engagement member when the locking member is in the second position.

Claim 10 has been amended as follows:

10. (Amended) The tonneau cover apparatus according to claim 9 7, wherein the locking member includes an upper portion which is slidably retained within the end plate, and the finger

portion is spaced apart from the upper portion and extends outwardly beyond the main body of the upper portion.

Claim 11 has been amended as follows:

11. (Amended) The tonneau cover apparatus according to claim 10 7, wherein the end plate includes a channel having a cross-sectional shape which is smaller at the bottom and larger at the top so that it has a generally "T" shaped configuration.

Claim 12 has been amended as follows:

12. (Amended) A tonneau cover apparatus for removable attachment ~~removably attaching a flexible cover~~ about a top of a perimeter of a cargo box of a pickup truck, the perimeter of the cargo box including a forward end, two opposing sidewalls and a tailgate, the tailgate being positioned rearward of the forward end and having an open position and a closed position, the flexible cover having first and second ends, the tonneau cover apparatus comprising:

a flexible cover having first and second ends;

a support frame for attachment to the cargo box, the support frame including two opposing side rails and a pair of end plate engagement members, one of which is secured to each of the respective opposing side rails rearward of the forward end when the support frame is attached to the , ~~the support frame being removably attached to the~~ cargo box of the pickup truck;

an end plate attached to the second end of the flexible cover, the end plate configured to cooperatively engage and pivot with respect to each of the respective end plate engagement members; wherein the end plate engagement members cooperate to engage the end plate when the first end of the flexible cover is operatively connected to the support frame forward of the respective engagement members, such that the end plate can pivot into and out of a fixed stretching position wherein the flexible cover is stretched to place a tension on the flexible cover; the end plate having a radial engaging surface and each of the end plate engagement members

having a receiving surface which engages at least a portion of the radial engaging surface when the end plate pivots into the fixed stretching position; and

a locking member, the locking member operatively connected to the end plate rearward of ~~the~~ each of the end plate engagement members when the end plate is in the fixed stretching position and movable between a first position and a second position when the end plate is in the fixed stretching position; wherein the locking member prevents the end plate from being disengaged from the fixed stretching position when the locking member is in the first position, and wherein the end plate can be disengaged from the fixed stretching position when the locking member is in the second position.

Claim 13 has been amended as follows:

13. (Amended) The tonneau cover apparatus of claim 12, wherein the receiving surfaces are radial surfaces. ~~end plate engagement members have radial receiving surfaces which engage portions of the radial engaging surface when the end plate pivots into the fixed stretching position.~~

The following new claims 17-18 have been added:

17. (New) A method of closing a tonneau cover apparatus, the method comprising the steps of:

(a) providing a tonneau cover apparatus for removable attachment about a top of a perimeter of a cargo box of a pickup truck, the cargo box including a front end, two sidewalls and a tailgate, the tonneau cover apparatus including:

a flexible cover having first and second ends;

an end plate; and

a support frame for attachment to the cargo box; the support frame having first and second side rails forming opposite sides of the support frame, each of said first and second side rails including an end plate engagement member, each end plate engagement member being configured to engage and receive spaced apart portions of the end plate; the first end of the flexible cover being secured to the support frame forward of the respective end plate engagement members and the second end of the flexible cover being secured to the end plate; wherein the

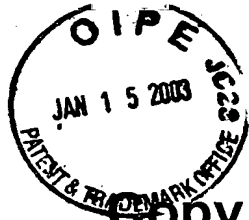
end plate is configured to cooperatively engage and pivot with respect to each end plate engagement member as the end plate passes into and out of a fixed stretching position in which the tonneau cover is in a closed position when the support frame is attached to the top of the perimeter of the cargo box, wherein the flexible cover can be correspondingly tensed and relaxed when the end plate passes into and out of the fixed stretching position; the end plate having spaced apart portions having radial engaging surfaces that are configured and arranged to engage with and pivot with respect to the respective end plate engagement members; each of the end plate engagement members having a radial receiving surface configured and arranged to receive and engage the radial portion of the end plate;

(b) engaging the spaced apart radial portions of the end plate with the radial receiving surfaces of the respective end plate engagement members;

(c) pivoting the end plate in a first direction with respect to the end plate engagement members such that the spaced apart radial portions of the end plate slide against the radial receiving surfaces until the flexible cover is tensed and the end plate is in the fixed stretching position.

18. (New) The method of claim 17, wherein the tonneau cover apparatus further includes a locking member, the locking member being operatively connected to the end plate rearward of each of the respective end plate engagement members when the end plate is in the fixed stretching position and movable between a first position and a second position when the end plate is in the fixed stretching position; wherein the locking member prevents the end plate from being disengaged from the fixed stretching position when the locking member is in the first position, and wherein the end plate can be disengaged from the fixed stretching position when the locking member is in the second position;

wherein the step of pivoting includes placing the locking member in the first position.



**Copy of the original drawings in which the  
proposed drawing corrections have been marked  
in red**

DRAWING  
CORRECTIONS  
APPROVED  
PAC  
06 FEB 03

FIG. 1

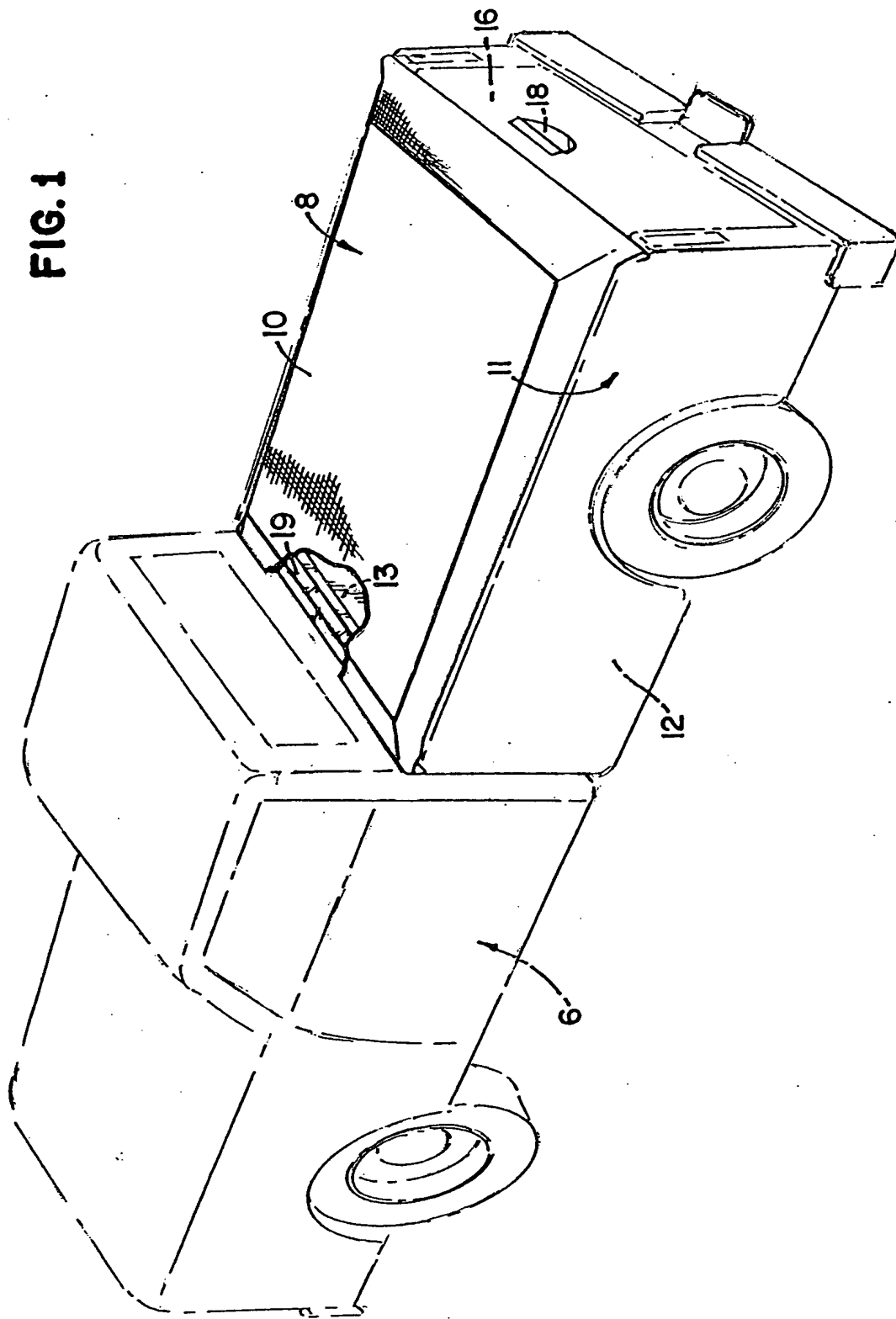




FIG. 2

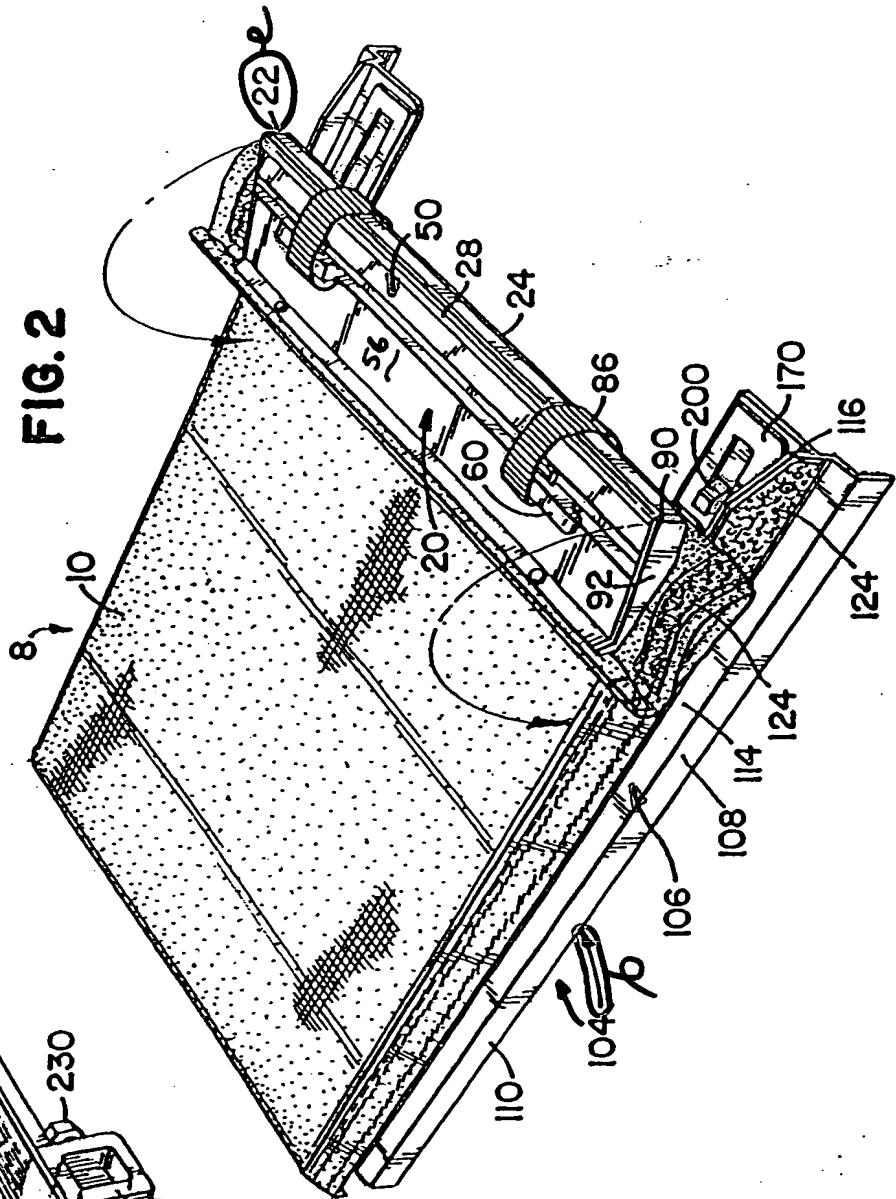
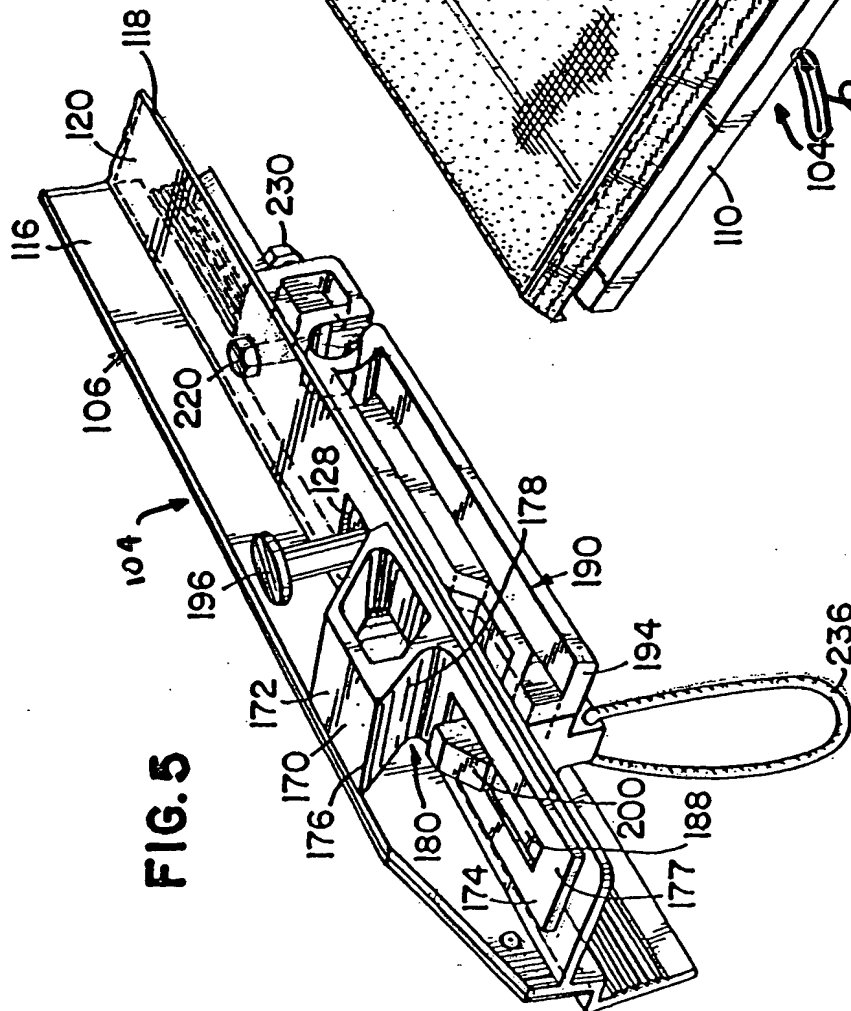
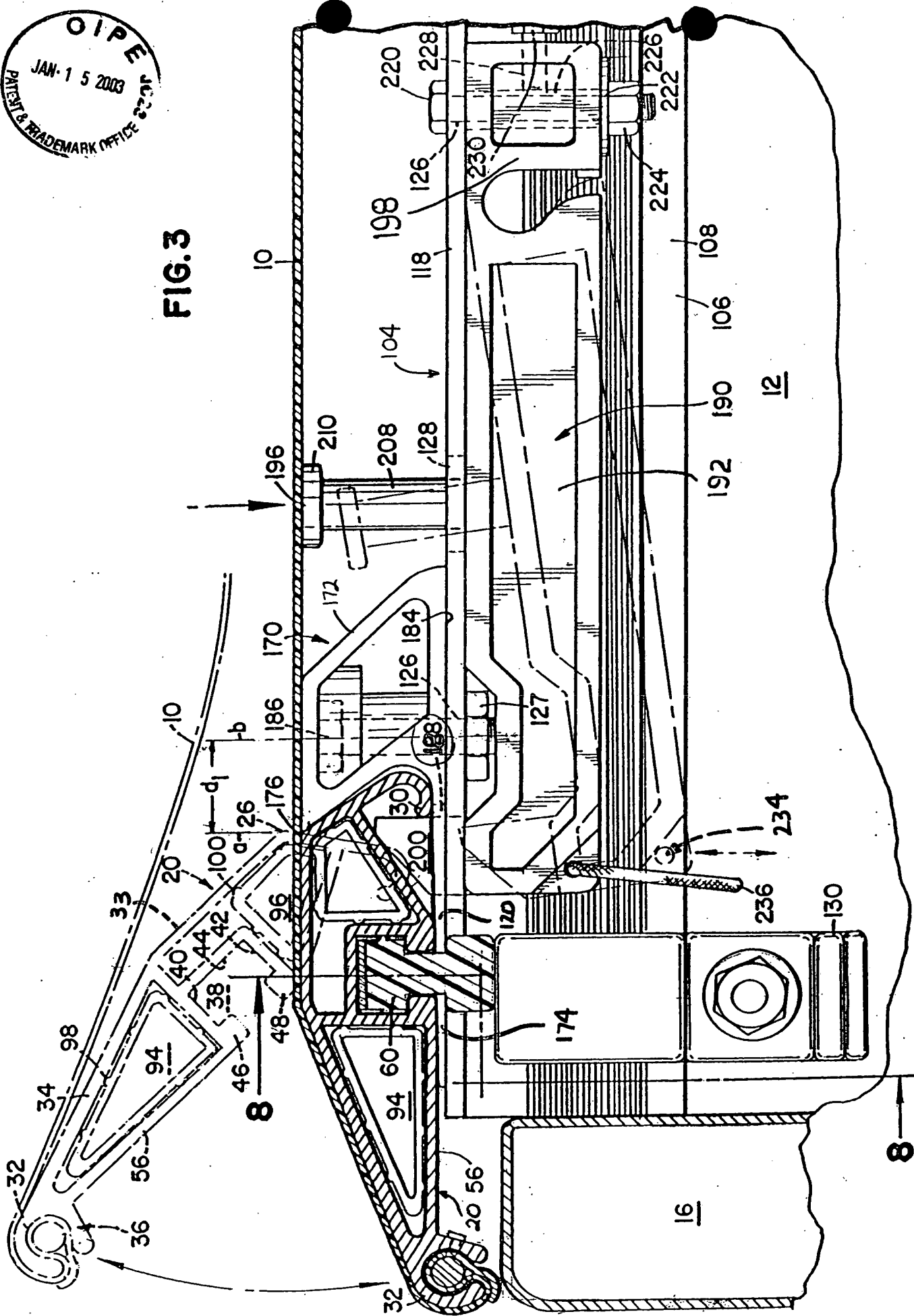


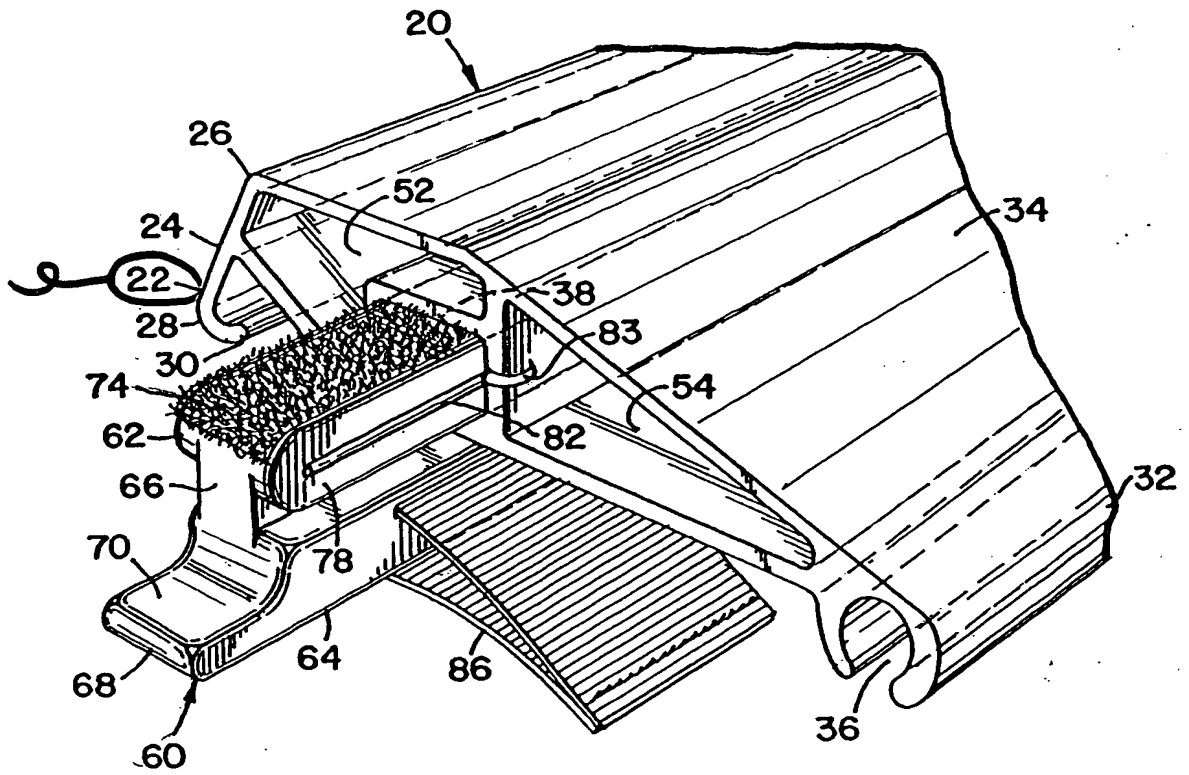
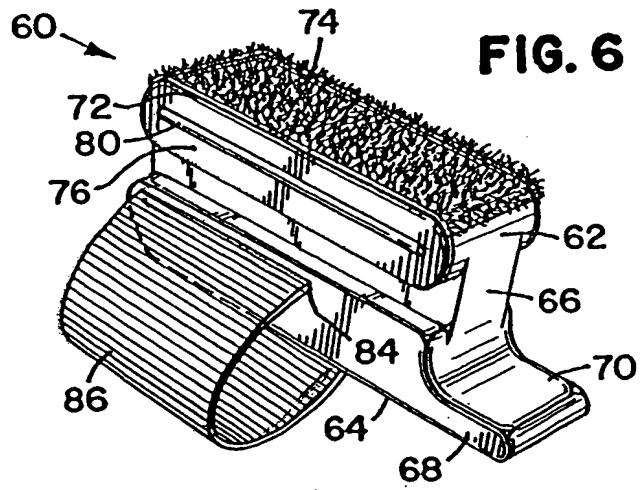
FIG. 5





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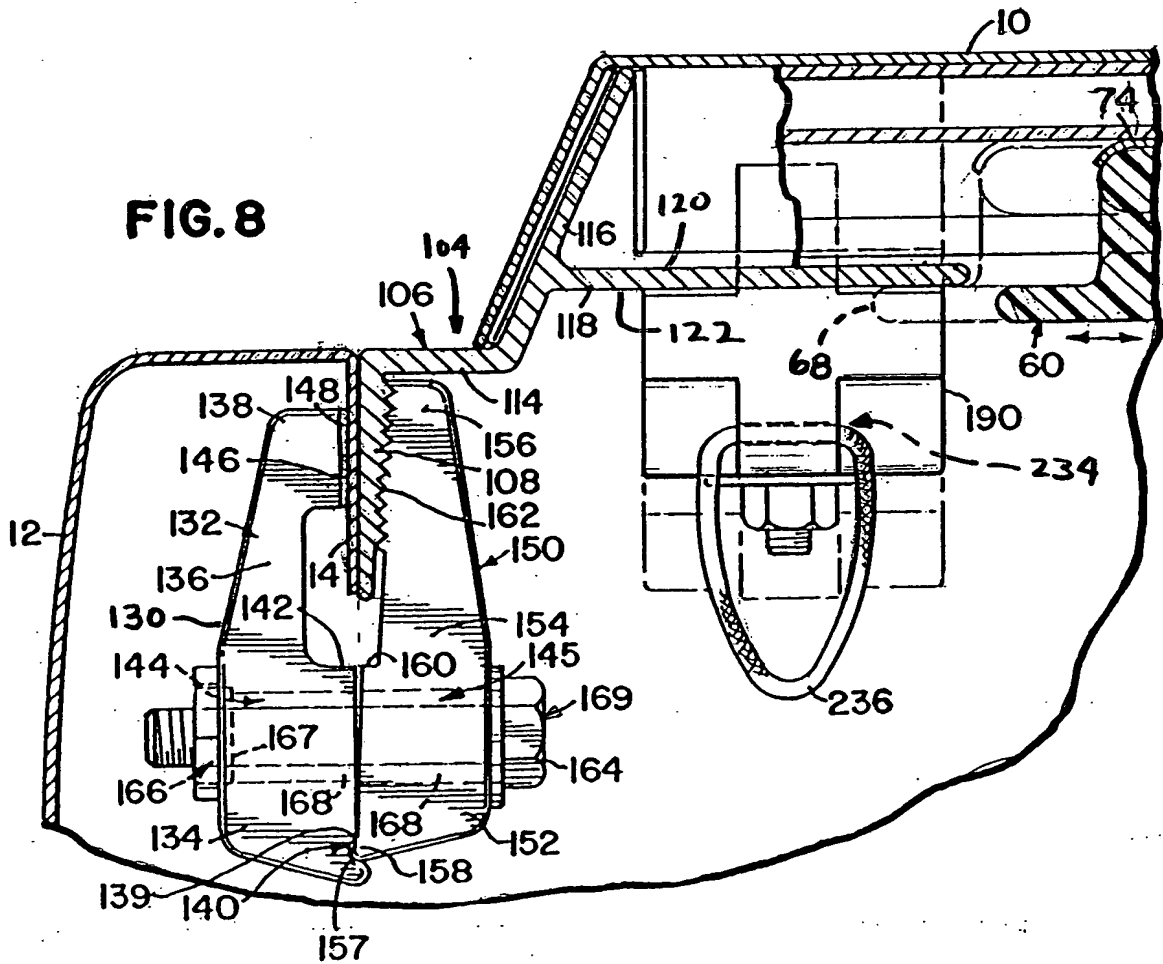
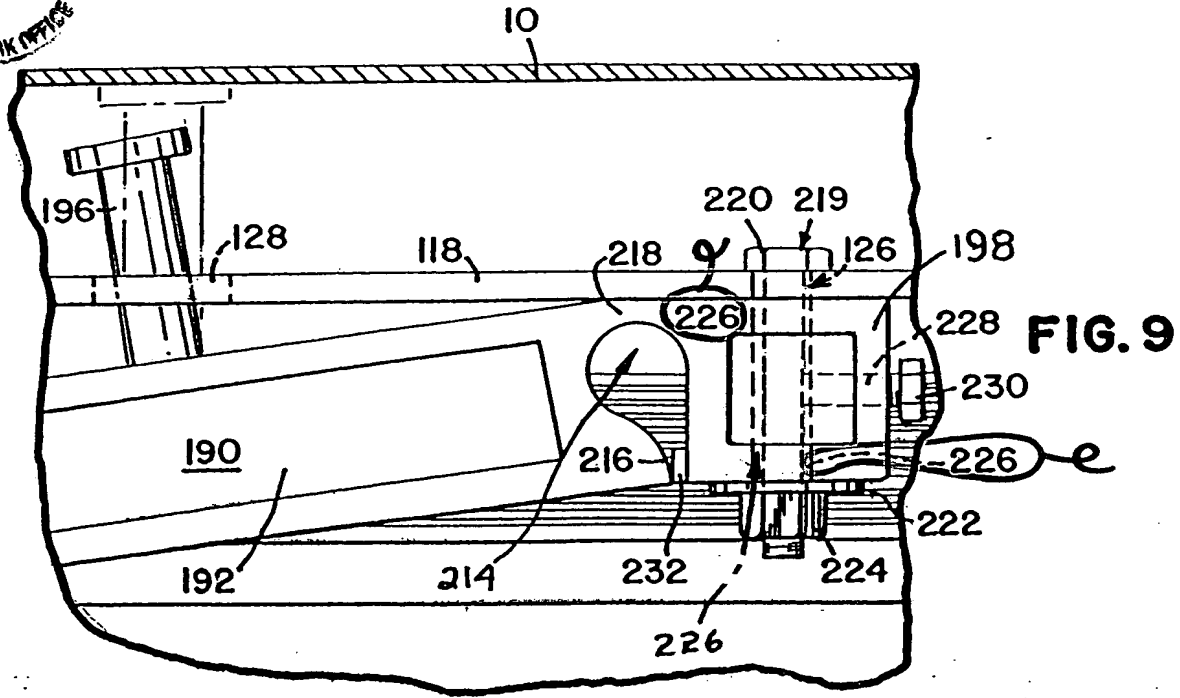


FIG. 10

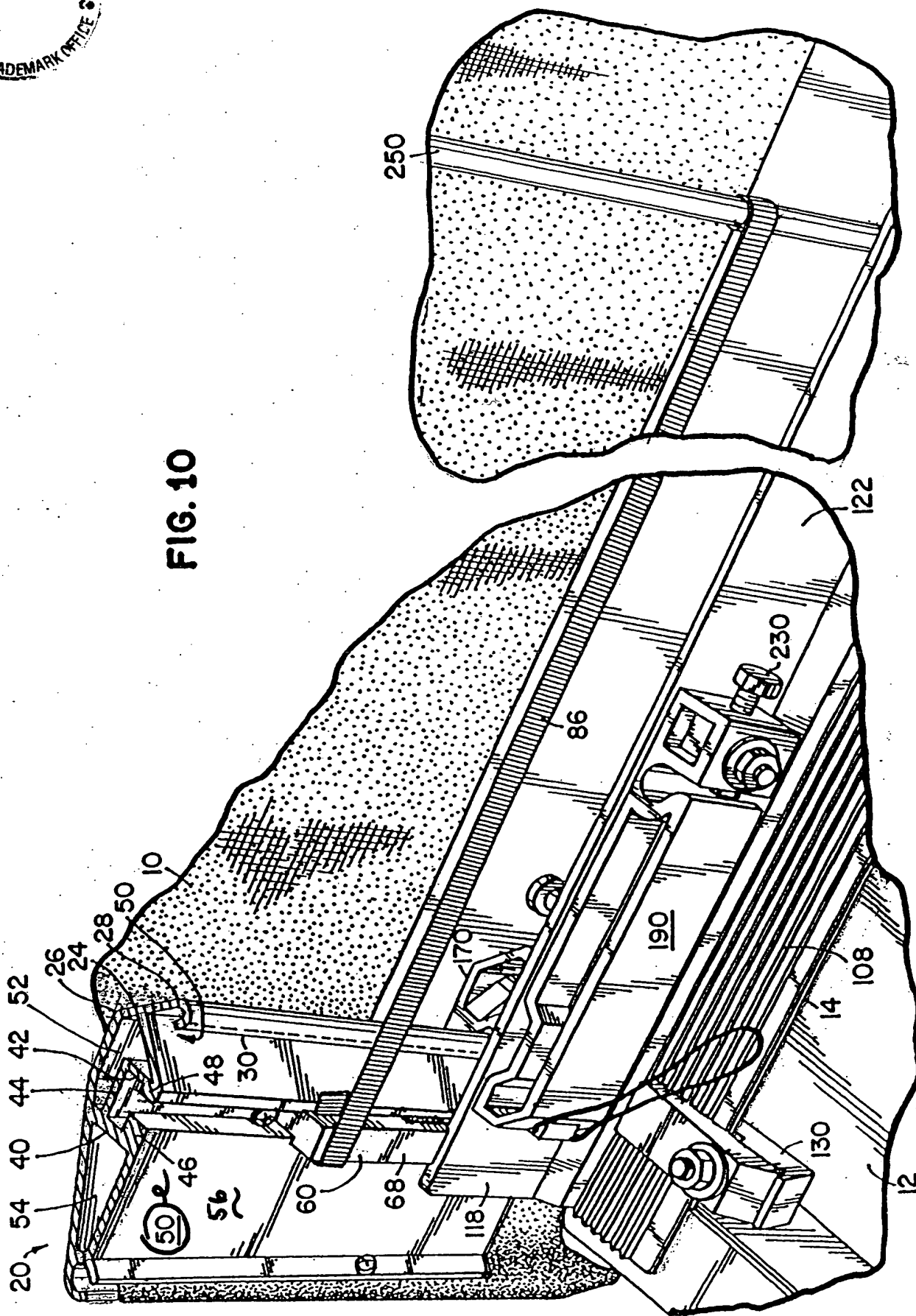
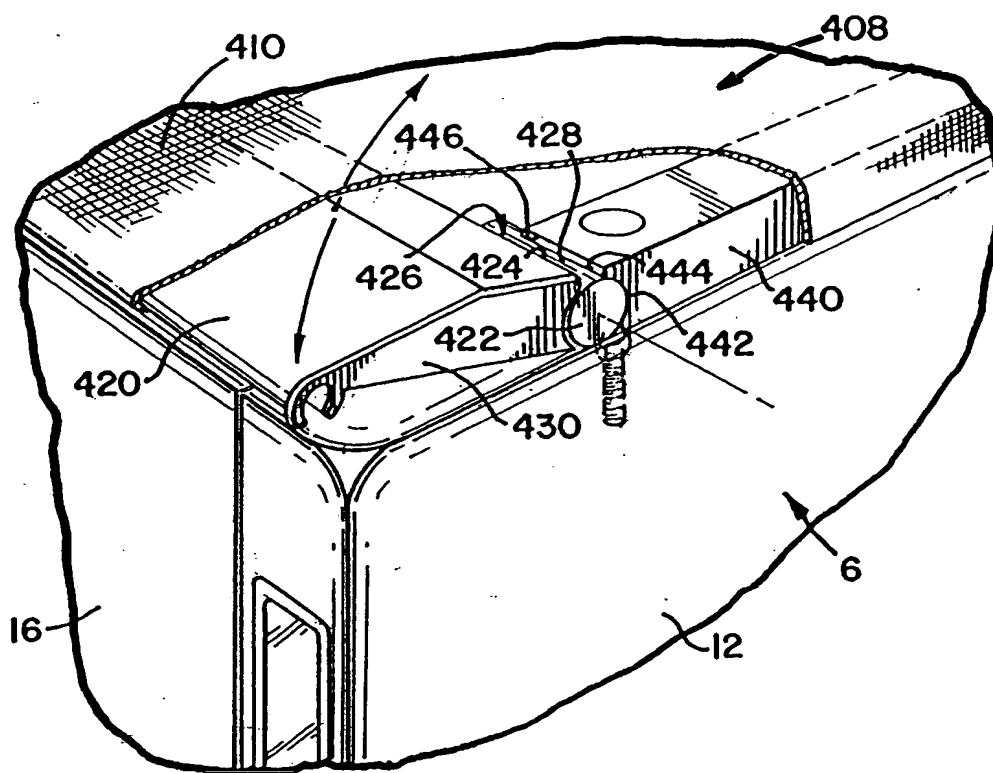
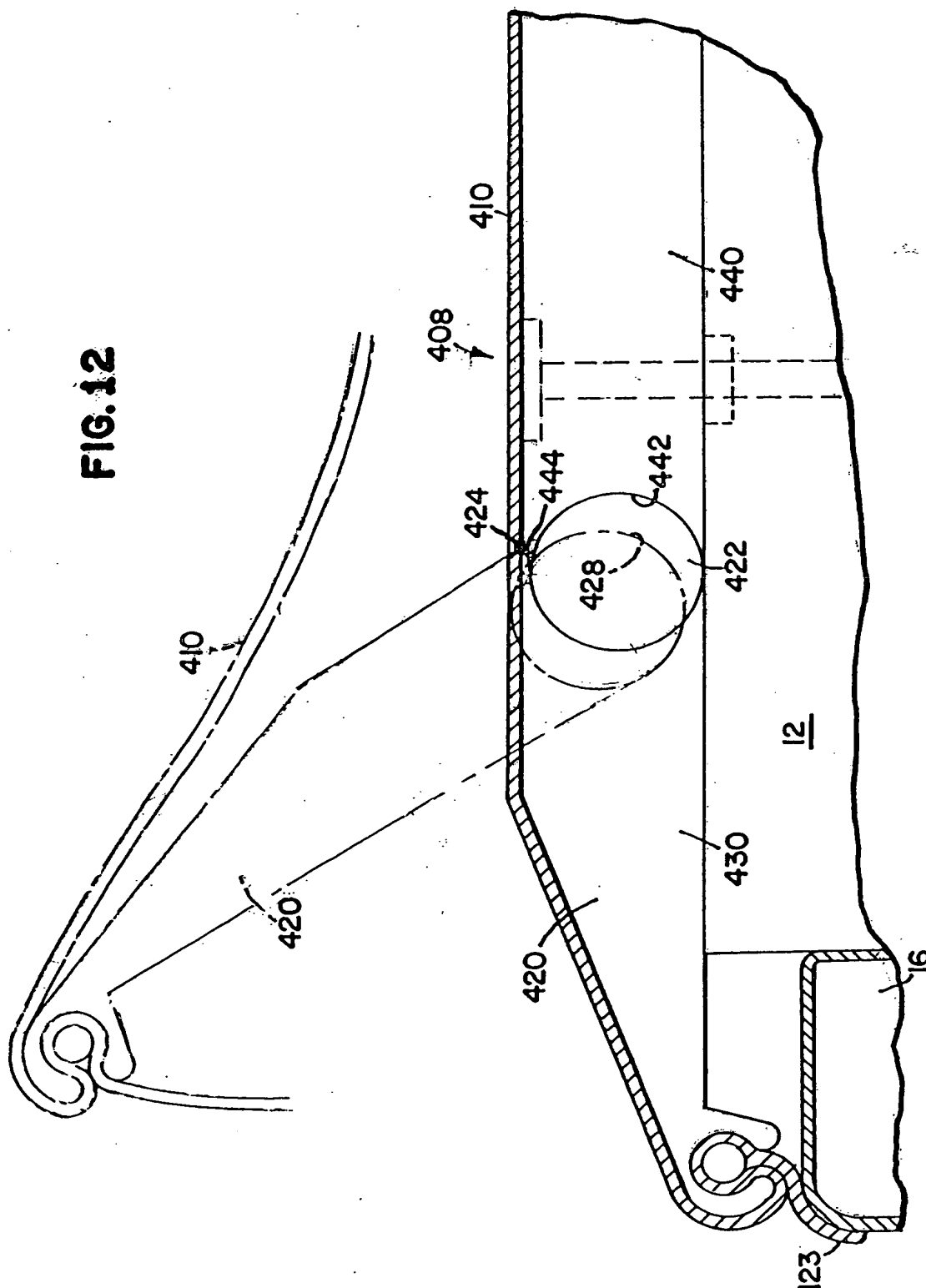


FIG. 11





**FIG. 12**





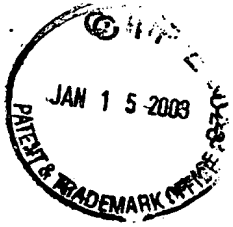


FIG. 13

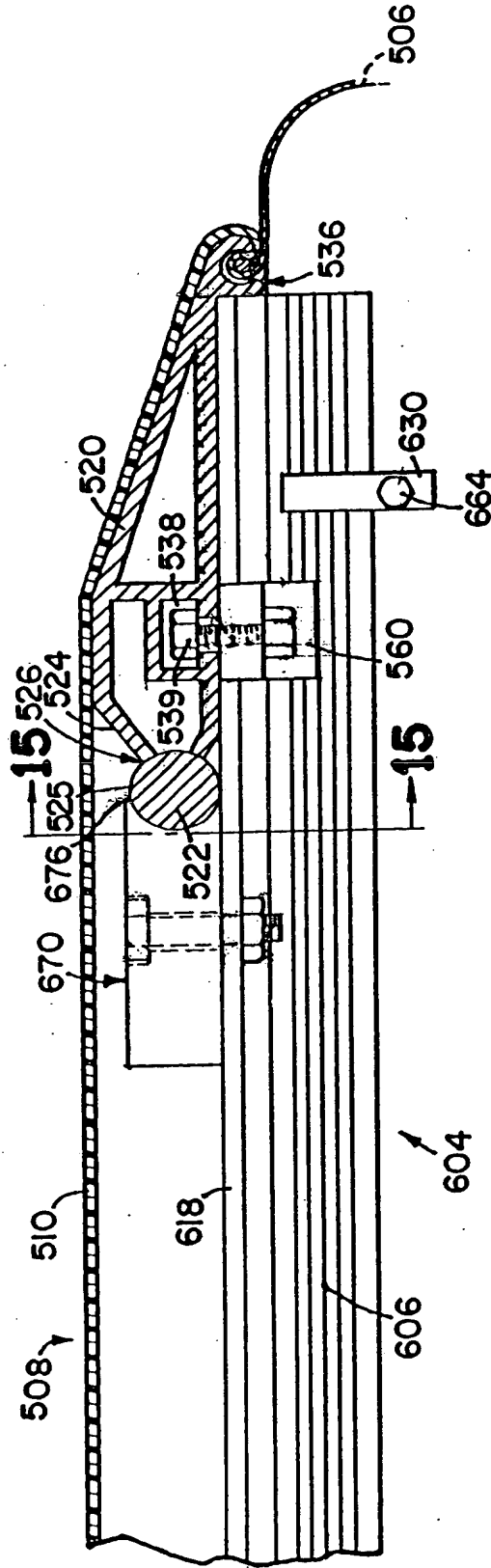
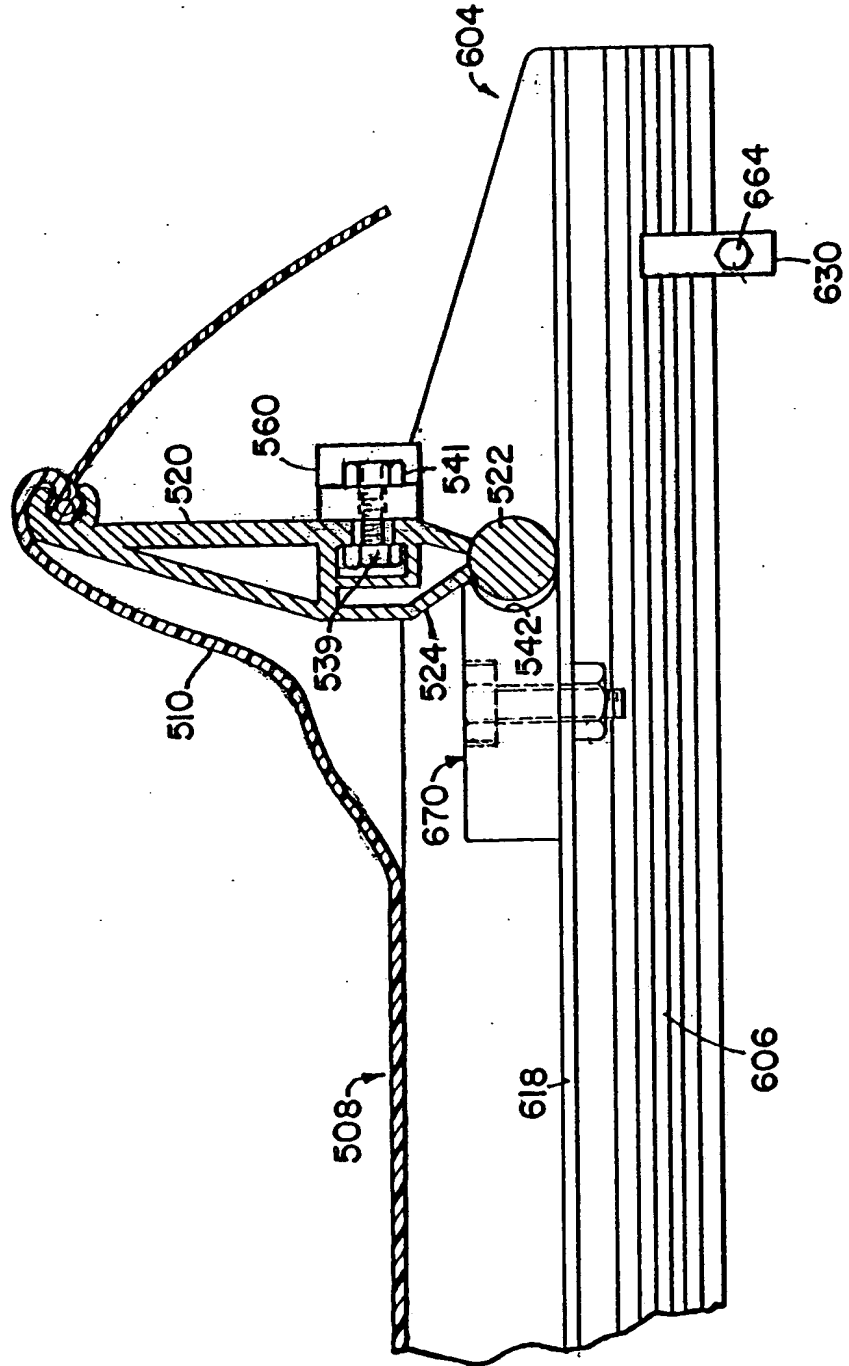




FIG. 14



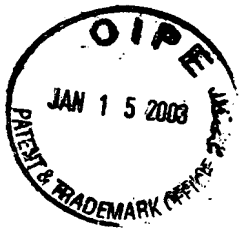
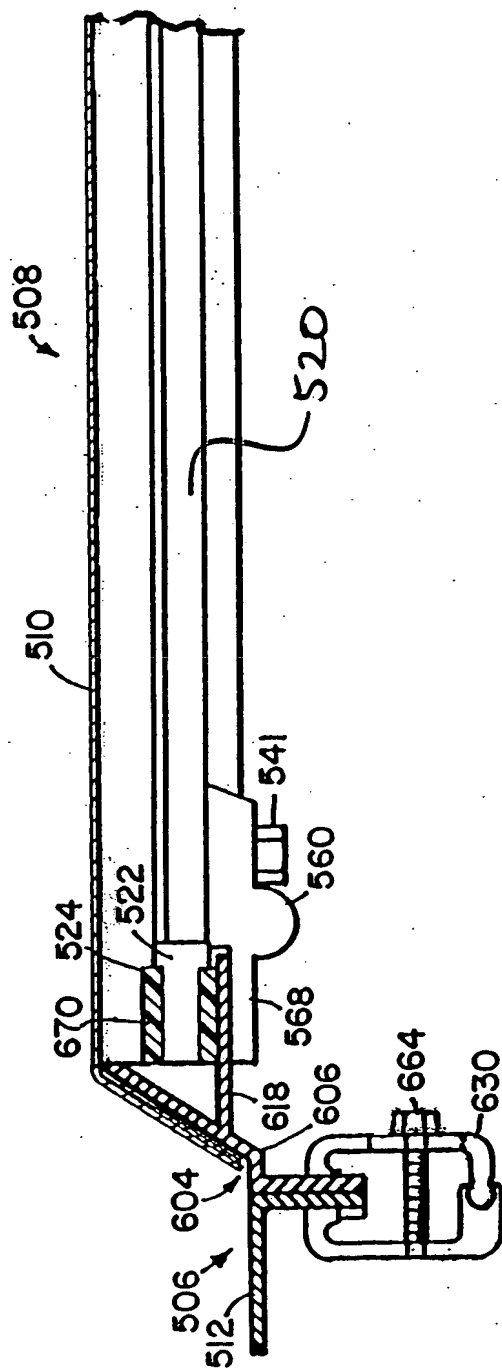
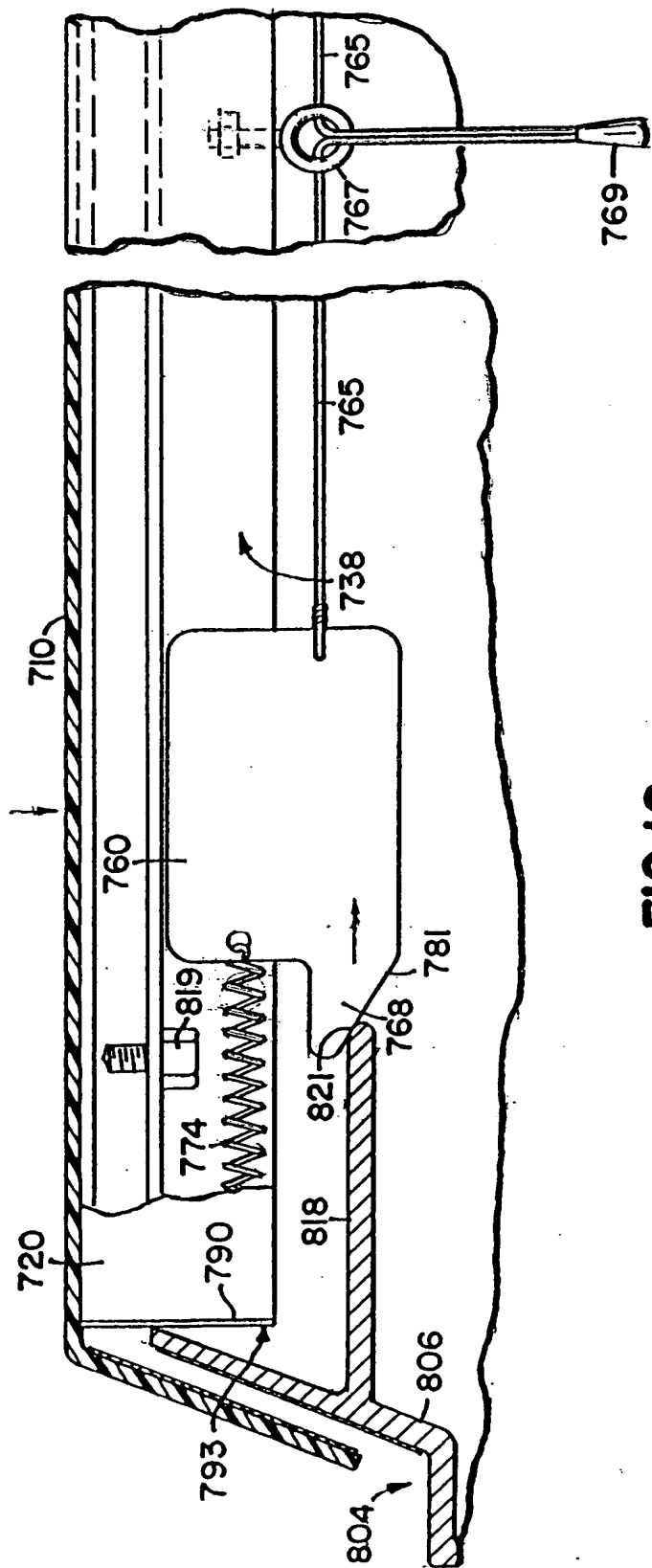


FIG. 15





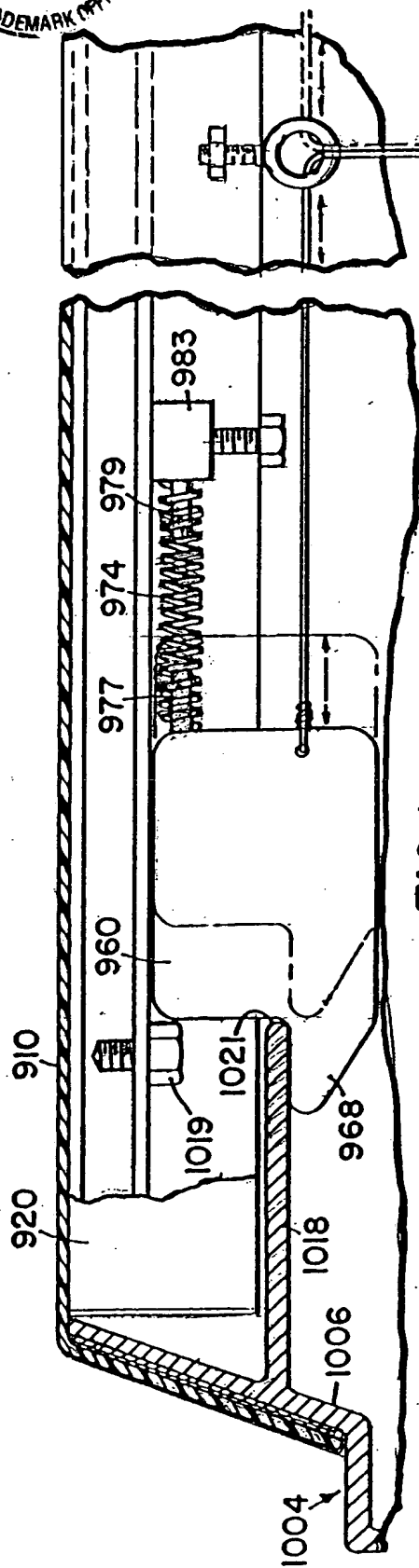


FIG. 18

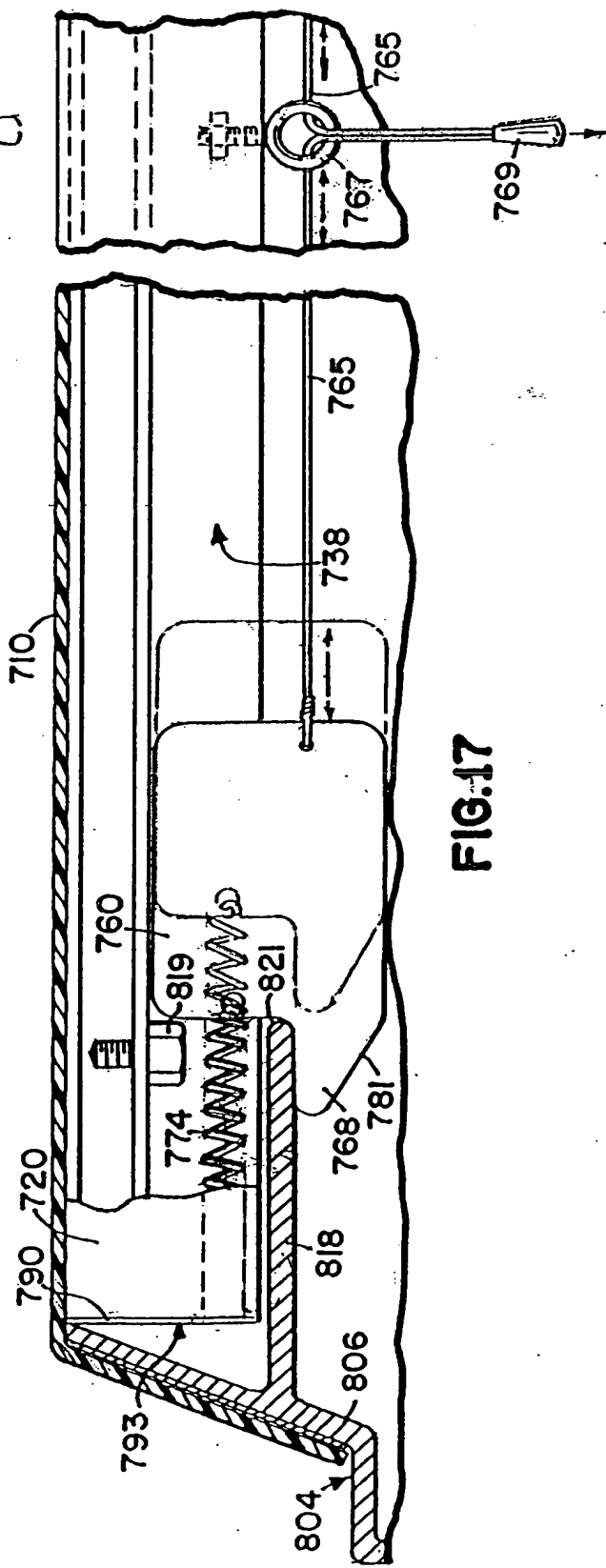


FIG. 17